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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/587,182

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Pascal Martin

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EXAMINER

KNABLE, GEOFFREY L

ART UNIT

PAPER NUMBER

1791

NOTIFICATION DATE

DELIVERY MODE

12/30/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/587,182	<b>Applicant(s)</b> MARTIN ET AL.	
	<b>Examiner</b> Geoffrey L. Knable	<b>Art Unit</b> 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-11, 13-20 and 23-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2, 3, 5-11, 13-20 and 23-26 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 13-20, 25 and 26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claim 25, line 6, reference is made to the cord being discharged “in a direction generally away from the rotation axis”. This language is however not used in the original disclosure and it is not clear that such is implicit in the original disclosure. This therefore is subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention, i.e. it would appear to be new matter. Note that while the original disclosure does characterize the relative radial portions of the inlet and outlet of the deflector, the original disclosure does not broadly characterize the direction of discharge as “generally away from the rotation axis”.

In lines 4-5 of claim 15 as amended, reference is made to the final tubular portions “being aligned with an outlet orifice of the central tube”. The original disclosure does not however describe an outlet orifice for the central tube (i.e. “51”), the only outlet orifice of a tube in the conveying member being the final outlet “54”. This therefore is subject matter which was not described in the specification in such a way as to

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reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention, i.e. it is new matter.

Claim 19 as amended defines that the spring tends to move the applicator "away from the rotary distributor". The original disclosure however only describe that the spring tends to move the applicator away from the rotor "50". Further, the applicator is originally described as part of the rotary distributor, this further tending to indicate that it is not described as being mounted as now claimed. This therefore would appear to be subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention, i.e. it is new matter.

3. Claims 2, 3, 5-7, 10, 11, 13, 15, 16, 18, 20 and 23-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Debroche et al. (US 4,952,259).

Debroche et al. is applied for substantially the same reasons as set forth in the last office action. As to the amendments to the claims and especially with respect to the rotary deflector, it is still submitted that the support (e.g. "27 - note col. 4, lines 6-15 and 50+) delimits a guide corridor for the wire (e.g. along the roller) with an inlet radially inward of the outlet. Further, this support/deflector rotates (by 251) together with the rotary conveyor (24) and is separated from an outlet (241) of the final tubular conduit to define a gap for cutting with a knife as claimed. A device and method as required by claims 23 and 25 is therefore still considered to be anticipated. The rotation axis of "24" is also spaced above the covering of the support as required by new claims 24 and 26. The remaining dependent claims are rejected for the same reasons of record.

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4. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Debroche et al. (US 4,952,259).

Debroche et al. suggests that the invention is broadly applicable to forming a tire reinforcement, the illustrated crown reinforcement being one non-limiting embodiment (e.g. col. 1, lines 1+ and col. 2, lines 29+). To form other conventional tire plies (on for example a cylindrical drum) including carcass plies which would extend in a bead area and sidewalls would therefore have been obvious and lead to only the expected results.

5. Claims 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Debroche et al. (US 4,952,259) as applied above, and further in view of Debroche (US 2002/0003020 - newly cited).

To provide an articulated/spring biased mounting as opposed to fixed mounting for the roller "27" that forms an applicator roller would have been obvious in view of Debroche '020 (esp. paragraph [0025]) which suggests an applicator roller used for applying a cord to a support can be spring biased as an alternative to a fixed mounting. A better control over the pressure would have been the expected result. A fork mount would have been typical and obvious to support a roller axle from both sides.

6. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 14 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Although Debroche et al. '259 is considered to broadly suggest a deflector ("27"), it would not reasonably have suggested or rendered obvious providing the deflector in the form of an elbowed tube.

7. Applicant's arguments filed 9/4/2009 have been fully considered but they are not persuasive at least as regards Debroche et al. '259.

The rejection over Debroche et al. '289 has however been withdrawn in view of applicant's response. Debroche et al. '259 is however still considered to satisfy the claims as amended for the reasons detailed in the statement of rejection, it being emphasized that "27" is attached to arm 24 and therefore rotates with it.

8. Applicant's amendments overcoming Debroche et al. '289 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Geoffrey L. Knable/  
Primary Examiner, Art Unit 1791

G. Knable  
December 21, 2009